

*United States Court of Appeals
for the Second Circuit*



**APPELLANT'S
BRIEF &
APPENDIX**

74-1154

B

1
2
3 IN THE UNITED STATES COURT OF APPEALS

4 FOR THE SECOND CIRCUIT

5 BRIEF APPENDIX DOCKET NO. 74-1154

APR 1 1974

6 Norman M. Campbell, 573 Columbia St., Cohoes, N. Y., pre-
7 sently residing at 29 Second St., Albany, N. Y., 12207; a
8 citizen of the United States of America entitled to all the
9 right, privileges, and responsibilities it confers and en-
10 tails, appeals to this Court the dismissals by Hon. James T
11 Foley, Judge of the United States District Court for the
12 Northern District of New York State, these cases Numbers 73-
13 CV-433, 434, 435; heard by him at Albany, N. Y. November 5,
14 1973, and dismissed as stated page 12 of Transcript, lines
15 8,9,10, no jurisdiction; lines 15,16,17, New York State Stat-
16 ute of Limitations applied under or to Civil Rights Act;
17 contradicted and qualified; lines 24,25. Appellant appeals
18 as clearly erroneous.

19

20 These cases originally Docket No. T-2946, but motions
21 filed to proceed on single docket fee and consolidate to
22 single hearing; so ordered Feb. 4, 1974. Motion also to ex-
23 tend ^{Thirty} twenty days from January 9, 1974, and on attack of flu,
24 motion to extend to March 15, 1974 for recovery. Feb. 4
25 single docket fee and consolidation changed to No. 74-1154

P-277-17
FEB 10 1974 P-76
FEB 10 1974 P-76

PAGINATION AS IN ORIGINAL COPY

Ma 1st
3/14

REFER TO DOCKET No. 74-1154

ORIGINALLY T-2946

A. Daniel Fusaro, Clerk
U. S. Court of Appeals
U. S. Courthouse
Foley Square
New York 10007
per John P. Flannery, pro se law clerk

29 Second St.
Albany, N. Y.
March 12, 1974

Dear Sir:

Having returned from Charleston, S. C., where recovered good health; as per inclosed photocopy of letter forwarded Feb. 7, 1974 inclosing motion to extend hearing of, rather filing of Brief in appeal of Cases 73-CV-433, 434, 435, Northern District of N. Y. until March 15 for recovery of health, and having gone to inspect Columbia St, Cohoes property, found letter with Feb. 4, 1974 Order to change Docket No. T-2946 rather proceed on single docket fee and consolidate to single hearing whereby Docket No 74-1154, and also letter calling attention to method of briefing and notification of 74-1154; neither with date.

Also inclosed photocopy of letter of Jan. 22, 1974 noting request for mail to Albany and p/copy of letter received from your office, that is, the envelope, which I am sure was subsequent to Jan. 22, although lack of postmark and often form letters date leaves one uninformed of date mailed. *Jan 21 notifying, received 3/1/74*

I am forwarding brief alone and copy of this letter to appellees also for the reason that completing the purtenances attached to the record of three cases, and binding and the photocopying, entails a considerable amount or work and time, and I doubt if it could meet the March 15 deadline. *Same at earliest possible moment. Pg 1*

DS 3/13/74 see pg 1^b

Very truly yours,

Norman M. Campbell

Norman M. Campbell
Court of Appeals doesn't want problems so
I believe let me know as quickly as possible
to save time and money and get them to
the Supreme Court. Please note courts were
instituted for the use of the public. Not, laws of
liability for technical, to get rid of, which see pg 40

REFER TO DOCKET NO. T-2946

Apt. 16, 29 Second St.

Albany, N. Y. 12207

February 7, 1974

A. Daniel Fusaro, Clerk
U. S. Court of Appeals
U. S. Courthouse
Foley Square, New York, N. Y. 10007
per John P. Flannery, pro se law clerk

Dear Sir:

Having been advised that chest X ray does not give promise of immediate recovery of health, although fever and sickness have left and the residual of the cold now lying in the bronchial tubes and remaining a threat of lung ailment; I have been advised at the Clinic that a change to more salubrious climate will be very helpful to complete recovery.

Please file herewith petition to the Court of Action to extend Docket No. T-2946, originally scheduled for January 9, 1974; being Cases 73-CV-433, 434, 435; U. S. District Court for the Northern District of N. Y. State; Dismissed by Hon. James P. O'Brien of Albany, N. Y., Nov. 5, 1973;Appealed Nov. 27, 1973; motions to extend thirty days to February 8, 1974, and to proceed on single docket fee and to consolidate to single hearing; Docketed as Norman W. Campbell A citizen of U. S. v Casper Weinberger, Secy. of Defense et al.

Now moving the Court to extend to March 15, 1974, when expect to be in complete recovery.

Copies to Appellees.

Sincerely,
Norman W. Campbell
Norman W. Campbell

3

for the 4rd
~~SUMMATION~~

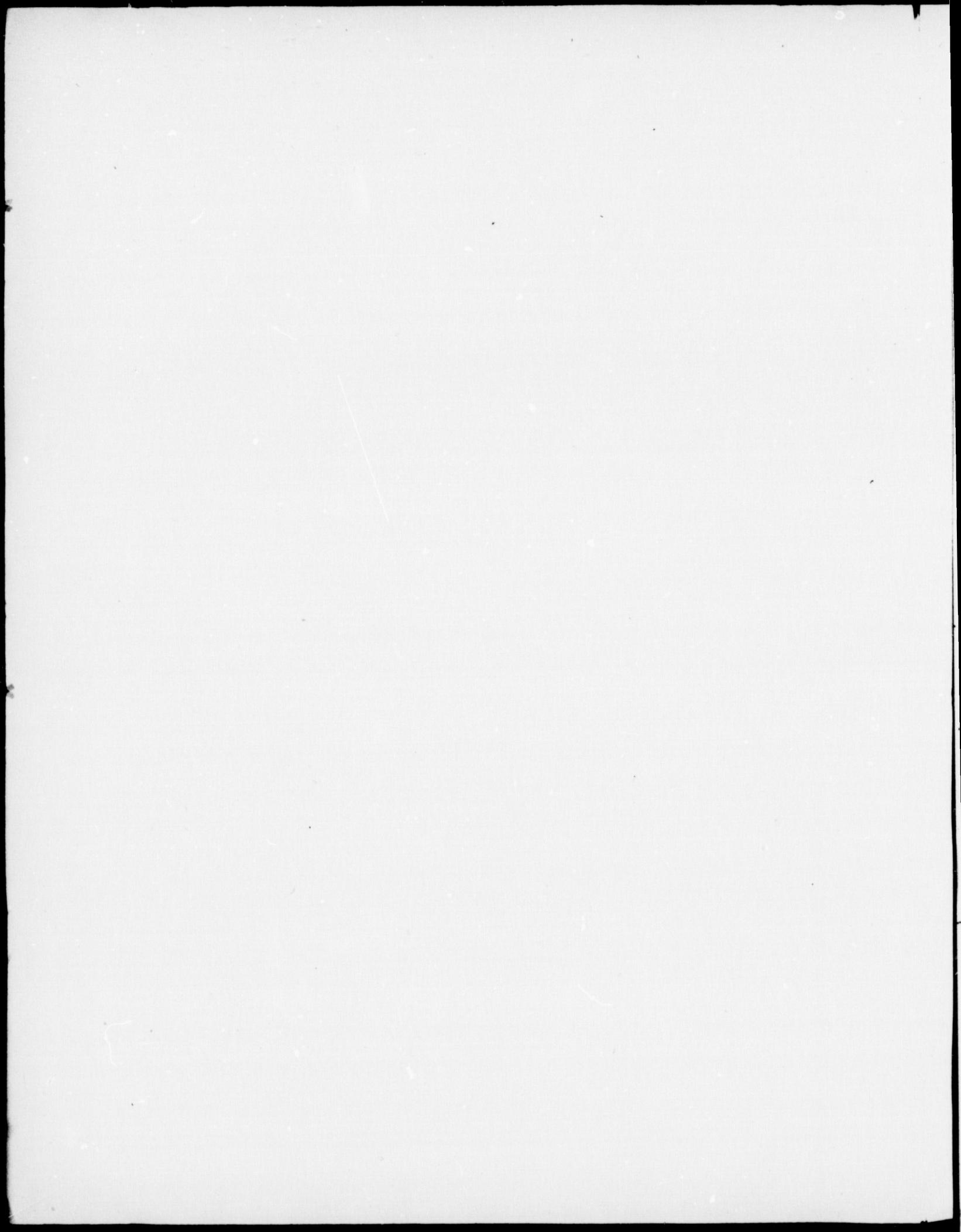
1 In re absence of hearing regarding 73-CV-433; Summons
2 was delivered October 1, 1973, 20 days to Answer; Answer was
3 not given by Secy. Weinberger, and Answer of Corporation
4 Counsel dated October 31, but not delivered; Oct. 31 being
5 Wednesday, but Cohoes Postoffice, 12047 did not deliver un-
6 til Friday afternoon or Saturday morning; Court convening on
7 Monday, Nov. 5, Dismissal requested seems to have been auto-
8 matically granted.

9 Appellant presents to the Court, the information that
10 years ago certain thought provoking experiences in direct an-
11 tipathy of his moral education stemming from the prevailing
12 and accepted model of, especially the political, Cohoes edu-
13 cation, and he took opportunity to publicly insult the public
14 Gods or symbols. Warren Smith had made his son Jr., Treas-
15 urer of the Board of Education, and Lawyer Burke, son of Dr.
16 Burke, a dentist and passenger of the gravy train for years,
17 Commissioner of Education; and the aftermath still rages,
18 both above and underground. Appellant told them they were ig-
19 norant.

20 Personally, appellant feels appellees have deluded them-
21 selves and a Justice of the United States Court.

22) J. Campbell
23
24
25

Problem involved, Is corporate or
individual the public interest?



Brief-74-1154

1 Appellant submits to the Court his reason or interpre-
2 tation for appeal of Judge Foley's decisions as being clear-
3 ly erroneous: First: that the issues involved are encompassed
4 as primary responsibilities of U. S. citizenship in uphold-
5 ing the Constitution on which the nation is founded, and
6 therefore under the jurisdiction of the court in which he
7 presided; neither may the Statute of Limitations of the
8 State of New York be invoked by usage under the Civil Rights
9 Act. Violations of Amendments VI and IV are base of actions.

10 Secondly: Defendant Appellees base their defenses mainly,
11 not on denial that appellant's Constitutional rights have
12 been violated and their own Constitutional responsibilities
13 neglected; but the essence, appellant is mentally incompe-
14 tent and may not stand in court; note Answer, 433; Harry L
15 Robinson for Virginia B. McDonald, Mayor of Cohoes; par. 3, "P98
16 plaintiff lacks standing to commence and maintain above cap-
17 tioned action." P98 Page 10 through page 13 of P911
18 Transcript may hardly be interpreted otherwise in Hearing
19 of 434, 435. Briefs 29-31 12, 13, 14
20 help offered, returning thanks for the offer.

21 Mr. Robinson, Cohoes Corporation Counsel is also junior
22 partner of Wertime & Robinson, a block down Remsen from Co-
23 hoes Saving, Mr. Wertime's bank, the which three blocks
24 down Remsen St. from Dr. Jay McDonald Towers on opposite
25 side of Cayuga St, if I remember, ^{the name properly} from block to demolish ex-

Relative information and exhibits
interposed.

COHOES, N.Y.
12047



Norman M. Campbell

573 Columbia St.

Cohoes, N. Y.

Norman M. Campbell, A citizen taxpayer
of the United States,

Plaintiff,

-against-

Casper W. Weinberger, Secretary of Health,
Education and Welfare, the moving spirit
of Housing and Urban Development; and
Virginia B. McDonald, Mayor of the City of
Cohoes,

ANSWER

Defendants.

VIRGINIA B. McDONALD, Mayor of the City of Cohoes, New York
as and for an answer to the complaint and petition of the plaintiff
Norman M. Campbell, states as follows:

FIRST: That she denies each and every allegation and
statement set forth in the complaint and petition.

AS AND FOR A FIRST AFFIRMATIVE
DEFENSE HEREIN:

SECOND: That the complaint and petition of the plaintiff fails to state facts sufficient to maintain and establish a cause of action against the defendant, Virginia E. McDonald, Mayor of the City of Cohoes, New York.

AS AND FOR A SECOND AFFIRMATIVE
DEFENSE HEREIN:

THIRD: That the plaintiff, Norman M. Campbell, lacks standing to commence and maintain the above captioned action.

AS AND FOR A THIRD AFFIRMATIVE
DEFENSE HEREIN:

FOURTH: That the plaintiff, Norman M. Campbell is not entitled to the relief requested in his complaint and petition.

Answer - 73-CV-433

8

1 Norman A. Campbell
2 573 Columbia Street Extension
Cohoes, N. Y. 12047
3 No telephone

4 Plaintiff
In Propria Persona

5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF NEW YORK STATE
10

11 Norman A. Campbell, a citizen)
12 taxpayer of the United States)
13 Plaintiff)

14 Casper W. Weinberger, Secretary)
of Health, Education and Welfare)
the moving spirit of Housing and)
Urban Development.)

15
16 Virginia B. McDonald, Mayor of)
17 the City of Cohoes)
Defendants)

No. 73-CV-433

COMPLAINT AND PETITION
FOR INJUNCTION FOR PERMANENT
RESTRAINT

19 In the matter of a project to demolish a block (city block) of
20 brick houses and business establishments located at the northern end
21 of Remsen Street and with it's junction at Mohawk Street in the city
22 of Cohoes, New York, known as Cohoes Urban Renewal; the planting and
23 landscaping of said block with grass, shrubs and trees as a park.
24

This project is on the northerly and opposite side of the street
25 connecting Remsen and Mohawk Streets, on the southerly side of which
26 is located the Dr. Jay McDonald Towers, an apartment house complex
27 named in honor of Dr. James McDonald, the deceased husband of the Ma-
28 yor or Mayoresa, the former Mayor and son of a former Mayor and leader
29 of the Cohoes Republican Party under the auspices of Walter H. Mer-
30 time, Jr. at the time, Chairman of the Albany County Republican Party;
31 the former owner and operator of the Harmony Hotel, which was so no-
32 torious as a gangster hideout and rendezvous of the bootleg days

P71-73-(V-433
Complaint

9

that Walter Winchell, famous in the annals of the day for his knowledge and acquaintance of underworld characters, sometimes mentioned it on his Sunday evening broadcasts; said harmony hotel having been razed and the Dr. Jay McDonald Towers built by United States government funding of apartments for the elderly through the Department of Health, Education, and Welfare,; Housing and Urban Development authority, if my information is correct; and Walter H. Wertime, Jr. having been also President and Legal Counsel of Cohoes Savings Bank, having succeeded to his father, Walter Wertime, Sr., who was formerly owner and operator of the Harmony Hotel, and also a portion of the brick blocks in the said project to demolish and refurbish; said Walter H. Wertime, Jr. being now Walter H. Wertime, and of advanced age, and presumably retired from active politics, presumably given over to a nephew, but still Legal Counsel of Cohoes Savings Bank and proprietor of Dr. Jay McDonald Towers now fully rented except ordinary vacancy factor.

18 Plaintiff complains that said Cohoes Urban Renewal project, in re-
19 ality, if the use of the taxpayers of the United State's funds to create
20 a park for the enjoyment of, and enticement of, and satisfaction of,
21 and thereby the greater value and profit to and of the Dr. Jay McDon-
22 ald Towers; the rentals will be increased in price in consequence;
23 the buildings in prospect of demolition being practically all of
24 three stories with ground floor store front and flats above will cre-
25 ate a shortage of cheap living accommodation and small business es-
26 tablishment, thereby raising the rental value of corresponding prop-
27 erty and taxable assessments of corresponding properties; plaintiff
28 complains the moving spirit of this project is not health, Education
29 and Welfare as the Secretary hopes and intends, but a project for a
30 mill of prosperity known as the gravy train, that will line the pock-
31 ets and glorify the names of the passengers. Plaintiff petitions the
32 Court for an injunction permanently restraining.

Complaint P-73-CV-433

10

1 smashing my property. I can produce in Court a
2 man who was put out of business by this same Warren
3 Smith on the same principles and this underground
4 organization. That Smith, I don't believe he owns
5 it; I believe it is another of the cousins of his,
6 nephews of Michael Smith. Do you remember Mike
7 Smith?

8 THE COURT: I have heard of him.

9 MR. CAMPBELL: Well, you know, Mr.
10 Skinner was their representative for the Harmony
11 Mills; they were paying a million dollar a year.

12 THE COURT: I can hear you all day but
13 I have some other matters. Mr. O'Brien, what is
14 your position here, have you read these papers?

15 MR. O'BRIEN: Well, I did receive these
16 papers, Your Honor, and I have submitted -- I don't
17 know whether it is on the calendar, but I have a
18 motion to dismiss the complaint on behalf of Louis
19 Lefkowitz and the State of New York. I did attempt
20 to furnish the Court with -- in my affidavit attached
21 to my notice of motion with the documentation
22 that I was able to obtain from a FBI agent vs.
23 one of our bureaus in the Attorney General's office,
24 this particular Bureau having charge of it, who
25 who are confined to Hudson River State Hospital.

1 Now as the records show there at least
2 by affidavit, which is based upon the official
3 records, Mr. Campbell was declared incompetent
4 twice by various Courts here, and the attorney
5 -- Attorney General, of course, never had juris-
6 diction or control of any of his property or
7 possessions. The Attorney General is merely in-
8 terested in this particular individual because of
9 the fact that he happened to be a resident of the
10 state who is -- well, that's all, so I am unable
11 to do anything more here to help Mr. Campbell.
12 I just don't see where he states any cause of
13 action against the New York or against Louis
14 Lefkowitz, the Attorney General of the state of
15 New York.

16 THE COURT: All right, Mr. Norton,
17 what is your position?

18 MR. MORTON: We have filed an answer.

19 THE COURT: Were you served properly?

20 MR. MORTON: Yes, it is my understanding
21 that is correct.

22 THE COURT: Did they serve one of your
23 officers?

24 MR. MORTON: Yes, that's right.

25 THE COURT: And what is your answer to

1 the complaint?

2 MR. HORTON: Well, Your Honor, I am
3 sorry I am not in a position to be able to argue
4 at this point. We have filed the answer and I am
5 here in the stance of an appearance, but I am now
6 in a position to be able to go into details.

7 THE COURT: Mr. Campbell, after consid-
8 eration I don't think there is jurisdiction of
9 your complaint, your claim, in this United States
10 District Court. I must under the law dismiss it.
11 That is my procedure.

12 MR. CAMPBELL: Your Honor --

13 THE COURT: I also deny your motion
14 to file an amended complaint, and I don't like to
15 upset you but I think it is so long ago that the
16 statute of limitations have run under the Civil
17 Rights Act, because we apply the State statutes.
18 Outside of that I don't see any viable claim under
19 the Civil Rights Act.

20 MR. CAMPBELL: Your Honor, the statute
21 of limitations ~~mandates of the~~ United States
22 Constitution, do they apply to the ~~United States~~
23 Constitution?

24 THE COURT: No, but that is my
25 decision, I may be wrong but that is my decision.

1 I am going to grant the motion of the Attorney
2 General and dismiss the complaint. I am going
3 to deny the motion to file an amended complaint,
4 and I think orders should be submitted, and I
5 believe the action against Niagara Mohawk Power
6 Corporation. So you should submit separate orders
7 and have them sent to Mr. Campbell or Columbia Service.
8 Is that right?

9 MR. CAMPBELL: That's right.

10 THE COURT: Cohoes, New York. That
11 is my decision and you will have to follow up
12 from there. I would suggest that you obtain the
13 services of a lawyer if you can.

14 MR. CAMPBELL: Your Honor, I thank
15 you for the advice, but as, I explained I am afraid
16 the lawyers are going to say it exactly the same
17 way you do.

18 May I ask if I can appeal your decision
19 to a higher Court?

20 THE COURT: Well, you have the right
21 to file an appeal to the United States Court of
22 Appeals, Second Circuit, but you should wait until
23 these orders are served on you and file with the
24 Clerk. It will cost \$5.00.

25 MR. CAMPBELL: Yes, Again let me re-

1 you, is slipped my mind, these circumstances were
2 because as I explained this, I am in the same
3 difficulties since I came there the 2nd of June;
4 everything in my absence concerning, is done and at
5 ^{as} yet they have been coming along and nothing will
6 do good one way. I am alone, and I really can't do;
7 my object is to get -- in 1958 I tried the State
8 Police and the Town of Colonie Police and it was
9 a waste of time. I did the same in 1964. The
10 Town of Colonie Chief or whichever, sent a man down
11 and they looked over and I showed him what had been
12 done. "Well," he said, "I will set a round the clock
13 watch here." And the damage got worse; and finally *I*
14 was smashed up in the car going to work 56 miles
15 an hour at night; just bought the auto and left
16 it at Latham Ford just up the road from me, and
17 they had gone over it; suddenly I am going to work
18 and there ^{are} no brakes. Well it means -- it is
19 ^{an} ^{drained} hydraulic -- I am wasting your time, Your Honor.

20 THE COURT: All right, Mr. Campbell,
21 thank you very much.

22 MR. CAMPBELL: Thank you.

23 THE COURT: Thank you for your courtesy.
24 The orders will be served on you by mail. Mr. O'Brien,
25 will you make the order that I grant your motion

tending up Remsen on which said Towers faces, and up Mohawk on which bench area and outdoor parking facility backs to their meeting of angles, mill buildings on other sides, and Mohawk continuing on through other mill and manufactory property; down Cayuga street three blocks is Geo. F. Wertime Contracting Co. and Wertime Building Supply recently involved in charges of political pressure in award of contract to build firehouse; the Wertime nephew, Paul G. VanBuskirk, who succeeded to Mr. Walter Wertime's political power who was Albany County Republican Party Chairman for many years, has recently resigned public office due, evidently, to Federal investigation of Hatch Act violation; Exhibit A in relation attached. Also Exhibit B; relating Mr. Robinson's appointment to Cohoes Saving's Board of Trustees soon after Dismissal of 433, and promotion of President and Treasurer of the Wertime Companies to Chairman of the Board. The complaint of 433 is that cheap family housing in mill district will be eliminated will be eliminated for six million taxpayer's dollars beneficence known as the gravy train, or Prosperity Unlimited. Freeloading by hypocrisy at taxpayer's expense amounts to fraud. See *SUMMATION after final page*

Appellant presents Exhibit C; letter of former Albany County Republican Party Chairman, resurrected during the past summer from the files of Albany County Clerk, ^{C. H. T. Y. C. E. R. K.} _{He also} clerk of Supreme Court; date antipathetic to def/appellee

COHOES BRANCH OFFICE, 220 REMSEN STREET

Cohoes News

CONSTANCE MARRON

JANICE HARTSHORN

LEONARD STOKES JR.

RALPH J. WILSON

HARRY L. ROBINSON

cc
th
ca
lic
fo
a
tt

Cohoes Savings Bank Names New Chairman; Makes Promotions

COHOES — Ralph J. Wilson has been elected chairman of the board of the Cohoes Savings Bank, effective Jan. 1, it was announced today by Walter H. Speidel, president and chief executive officer of the bank.

Along with Wilson's election, five other promotions were made at the recent meeting of the board of trustees held in the trustees' office of the .

Robert W. Freihofer was elected vice-president; Leonard E. Stokes Jr. was named vice-president and Branch manager of the Lathem office, Binghamton.

Hartshorn and Constance C. LeBaron were appointed administrative assistants and Harry L. Robinson was elected to fill a vacancy on the board.

Wilson, who resides at 61 Edwards Road, Troy, was elected a trustee of the bank in 1954 and named vice president of the bank in 1966.

He is a charter member of the Wynantskill Kiwanis Club, a trustee of the New Greenbush Public Library, a member of the New York Athletic Club, a member of the Van Schaick Golf Club, president and treasurer of the Greenbush Fire Department, and a member of the Greenbush Lodge No. 10, A.F. & A.M.

estate agent, 1970-1971. Secretary
of Royal Institute Architects, 1970.

Walter A. Prentiss of Troy, a vice-president of the First National Bank of Albany, and a member of the Troy Rotary Club and a trustee at Russell Sage College.

Leonard E. Stokes, Jr., joined the bank as an auditor in 1953 and was named manager of the Latham branch in December, 1967.

He is a graduate of the
evening division of Russell
 Sage College and the gradu-
 ate school of Harvard. He is
 a student at Brown University,
 and will receive his
 degree in May.

May, 1968 as a teller in the mortgage department and promoted to mortgage supervisor in 1971. A graduate of Cohoes High School, she is a member of St. James United Methodist Church, choir and women's society, American Institute of Banking and the Savings Bank Women of the Capital District.

Mrs. Constance LeBarron, Loudonville, joined the bank in September, 1963 as a teller in the cash department, becoming secretary in 1971.

She is a graduate of Shaeffer Senior High School, a member of the Sayings Club and a member of the Class of 1950.

was a member of the Star-
ker Road-Londonville Fire
Department. Ladies
and ladies.

James L. Tolman, whose
name appears above, is a graduate of the
University of Vermont with
a bachelor of arts and com-
pleted post graduate work
at Albany Law School receiv-
ing his bachelor of law. He
is a member of the Cohoes
law firm of Wertling and
Tolman.

Accident
Board re-
ports
drunk
and
toxic
driver.

Seal
University
of
Edinburgh

Exhibit B

TIMES-UNION***

Albany, Fri., Nov. 2, 1973

THE CITIZEN'S PARTY OF NEW YORK
LEADERSHIP COMMITTEE

DESPITE THE EFFORTS OF COUNCILORS INCLUDING CLERGY, BUSINESS, NON-PROFIT ORGANIZATIONS
AND OTHERS TO SUPPORT THESE PROGRAMS, THE PROGRAMS HAVE BEEN A SUCCESS AND DESPITE
THE FACT THAT THESE PROGRAMS HAVE BEEN SPONSORED BY THE CITIZEN'S PARTY, THEY HAVE
REACHED THESE FIVE PROGRAMS. THIS IS THEIR SUCCESS.

THE HATCH ACT PERTAINING TO NATIONAL & STATE PARTIES
PLEASE READ BELOW

SECTION 12 OF THE HATCH POLITICAL ACTIVITIES ACT OF 1939, AS AMENDED, APPLIES TO THOSE OFFICERS AND
EMPLOYEES OF A STATE OR LOCAL AGENCY WHOSE PRINCIPAL EMPLOYMENT IS IN CONNECTION WITH FEDERALLY
FINANCED ACTIVITIES. SUCH PERSONS ARE PROHIBITED FROM TAKING AN ACTIVE PART IN POLITICAL MANAGEMENT
OR IN POLITICAL CAMPAIGNS THAT ARE IDENTIFIED WITH A NATIONAL OR STATE POLITICAL PARTY, SUCH AS THE
DEMOCRATIC OR REPUBLICAN.

"WE ARE SELLING PROGRESS -- NOT PROPAGANDA & SMEAR"

VOTE CITIZEN VOTE ROW, F



KEEP COMING "ALL AMERICA"

SUPPORT THE CITIZEN SLATE



IN DAYS GONE BY — This 1957 Citizens Party flyer,
which says "Ordered by Paul G. Van Buskirk" at the

bottom, explains the party's position on the Hatch Act
at the time: that it applied only to major parties.

ORDERED BY PAUL G. VAN BUSKIRK
CITIZEN'S PARTY OF NEW YORK
PRINTED BY UNITED FIRST PRINTING & BINDING CO.
101 EAST FIFTH AVENUE

VanBuskirk '71 Role Drew Hatch Act Violation Scrutiny

By DONNA HALVORSEN

COHOES — Paul Van Buskirk, who has accused several Citizens Party members with violating the Hatch Act, was himself investigated last year for a possible violation of the act.

However, according to an attorney for the federal Civil Service Commission which looked into a complaint against Van Buskirk, the evidence presented did not warrant bringing charges against him and "we closed the matter."

Peter Skoro, who said he will be in Cohoes in about two weeks to begin an investigation into alleged violations, also said he doesn't anticipate that the previous investigation will be reopened, contrary to published reports Thursday.

That investigation was made after Van Buskirk managed New York's Virginia B. McDonald" campaign in 1971 at a time when he was serving as director of the Planning and Development Agency.

Questioned about the scope

of the upcoming inquiry in Cohoes, Skoro said it was spurred by the complaint from Van Buskirk's attorney and will be limited to the charges made in it.

The Hatch Act places restrictions on the political activities of persons whose salaries are paid with federal funds.

James Cuva, Citizens Party chairman and assistant urban renewal director who is one of the persons named in Attorney Francis J. Carroll's complaint, said Thursday he is "looking forward to the investigation.

"I still am firm in my belief that I am not in violation," he said, "and I welcome the investigation of someone in authority to let me know whether there is a violation of the act."

Cuva said he considers this act to be unconstitutional and he may decide to challenge it in the courts, even though the intent of such a challenge might be beyond his means.

"I don't see why the little people should have to sit idly by and just take it," he said.

Several Citizens Party members have said they have relied in the past on the judgment of Van Buskirk as a party leader that the act only applies to major party candidates.

A 1967 party flyer, which says, "Ordered by Paul G. Van Buskirk Chairman Cohoes Citizens Committee" at the bottom, contains a section headed, "Notice to Smearers....The Hatch Act Pertains to National & State Parties."

It continues: "Section 12 of the Hatch Political Activities Act of 1963, as amended, applies to those officers and employees of a state or local agency whose principal employment is in connection with federally financed activities. Such persons are prohibited from taking an active part in political management or in political campaigns that are identified with a national or state political party, such as the Democratic or Republican."

Van Buskirk was in Binghamton Thursday speaking to a group of businessmen and

could not be reached for comment on his apparent change of position on the act, but he suggested to a reporter in a previous interview that interpretation of the statute has changed.

Skoro said that if the initial investigation is completed satisfactorily, the next step would be the drafting of a letter of charges to be presented to the individual involved for a response.

The Commission would then review the response and determine whether to proceed with the investigation, he said.

Though a violation could result in removal from a federally funded job, Skoro said there have been cases which have been closed in which employee decided to leave his political affiliation. He said this was not so testing that that could happen in Cohoes.

If an individual does not agree with the commission's determination, Skoro said, he could challenge it in his own initiative in the federal district court.

Exhibit A

7 Projects Got Funding

Cohoes Dept. 27

COHOES - The Model Cities governing board Monday recommended funding of seven of the 21 projects which had been seeking a chunk of a \$250,000 supplemental grant.

In so doing, the board was ratifying the weekend decisions of the Model Cities finance committee on how to spend the money.

The finance committee, working with priorities drawn up by the governing board last week, accepted the board's first three priorities for funding, though with slightly different figures.

Recommended for funding were: Human Resource Services at \$83,537; continuation of the health services mini-bus at \$15,600 and the Cohoes Planning and Development Agency at \$63,335.

The other four projects recommended were \$50,000 for seed money for housing redevelopment on Sargent and Remsen Streets; \$3,665 for a new citizen participation structure; \$15,000 for a new Erie Canal Trail park; and \$20,000 for further Cohoes Music Hall restoration.

The music hall project was 13th on the governing board's list of priorities last week. Projects which members rated higher in their voting were remedial reading, child development, legal aid, a Youth Bureau drop-in shelter and the Cohoes Rehabilitation and Improvement Program's re-

quest for housing acquisition money.

While approving the recommendations of the finance committee, which now go to the Common Council, the board also approved a proposal that any unexpended Model Cities funds which do not have to be returned for phasing out or evaluation be

reprogrammed into those projects which were skipped over by the committee.

The finance committee is made up of Mayor Virginia B. McDonald, acting Model Cities director, and members include, Model Cities fiscal officer Donald Wilson and planning and community relations Ernest Hatch, though Hatch re-

portedly did not attend the weekend meeting when the deliberations took place.

"I wish we could have funded all of them," said the mayor said at her city meeting, which might have set a record for its brevity, "but we didn't have enough money."

Dated 2/27

NEWS

Strikes Opposition

Suds Soaking Stakeholders

By LINDA ROSENDATT

EAST GREENBUSH - Patrons of two local watering holes discovered last weekend that the art of streaking does not belong exclusively to "crazy" college students.

The "East Greenbush streaker", as he is now fondly known to town residents who had a chance to view his "form", is himself a tavern owner with a reputation for pulling stunts on fellow bar owners in the town.

The Saturday night crowd at Rick's Lounge, Gilligan Avenue, was treated to a little extra entertainment besides the regular organ music when said streaker gal-

loped through sans anything "but a big grin", according to one patron.

The streaker decided to give another competitor's business a helpful nudge, much to the chagrin of the bar's owner who decided to

retaliate with a performance of his own at the streaker's establishment. He cackled out, however, and kept his raincoat closed when he saw the size of the crowd, according to one source.

Still talking about it at another bar, the owner of the bar where one town resident streaked, a bartender who missed the whole thing said a bit wistfully that she hopes "he'll announce his next performance in advance so I can be there."

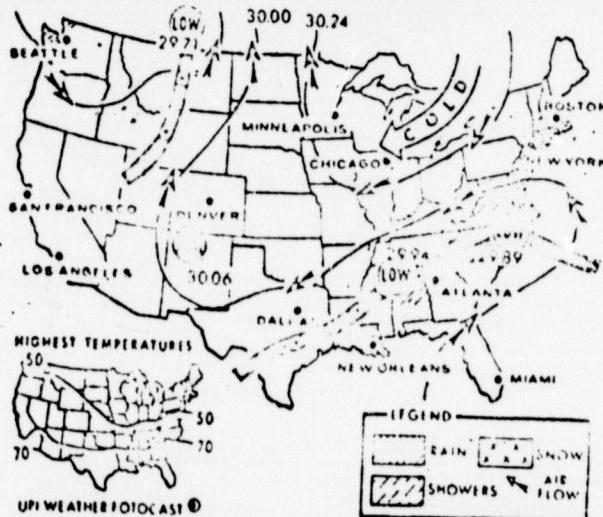
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she hopes "he'll announce hi
next performance in advanc
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WEATHER



THE NATION Rain and snow expected today over parts of the mid-Atlantic states and scattered showers are likely in portions of the Gulf coastal states. Aside from some snow in the northern Rockies, generally fair weather elsewhere.

CAPITALAND

Cloudy

Chance of snow today, highs near 55. Variable cloudiness tonight and Wednesday. Chance of a few flurries. Lows tonight in the mid 20s. Highs Wednesday 50 to 55. Precipitation probabilities 10 per cent today and 30 per cent tomorrow.

Cohoes Funding
OUTLOOK FOR TRAVELERS

Weather



By ANNA HALVORSEN

CO. 2, N.Y. — Trout fishing season opens April 1, if not of general importance to Police Chief Alphonse Gorski.

For by April 1 — by March 23, in fact — Gorski will no longer be police chief and someone else will be well up a bank alongside some northern trout stream with his fishing companion, Peter Reggav, a 100-pound half-collie, half-husky.

Gorski, 57, who Friday will mark his 33rd anniversary as a member of the Cohoes force, Monday notified Mayor Virginia B. McDonald of his intention to retire at the end of March.

"It's something that I've had in mind for a long time and now that it's come, I'm going to do it," he said of his choice to stay after March 31.

There is no opportunity here yet area said Gorski, likely subject to a City Council vote

on Tuesday, April 1, to name a successor. Gorski has been seen some days by the department, and of two men, Aleselius and

Gorski took a three-month vacation in October and the Times-Union reported at that time that he was likely to retire at vacation's end. He returned to see the Department through to its

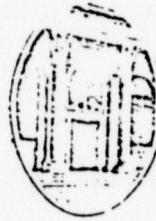
end, then took a month's vacation in January which he returned to day. On his last day at the office his latest vacation told a reporter, "Listen, I'll let everyone know about it." And he did.

Because of his length of service and his long contributions to the department,

COHOES SAVINGS BANK

COLONIE AND TROY, N.Y.

2047



6515-6
6618-6120
WALTER H. WERTIME
President and Counsel

COHOES, N.Y.

September 14, 1970

Mr. Norman M. Campbell
P. O. Box 5012
315 Hill Street
Santa Monica, California 90405

Dear Mr. Campbell:

Yours addressed to the Cohoes Savings Bank with regard to your Account No. 100336, upon which there is a balance of \$1,020.74 has come to my attention. I understand you have been mailed a lost passbook affidavit. It would be foolish to bother with it at the present time, as we cannot honor it.

Your brother Edgar who lives on Utica Avenue, Colonie was appointed Committee and he has requested removal a few years back. He has retained Attorney Strang from Colonie over a year ago, but complains he is not getting good service. He is most desirous of being removed and as soon as he accomplishes his removal, we will pay the money direct to you. However, I think, at this time, I should advise you that there would be deducted from this amount the commission allowed the Committee by law and the attorney's fees.

As to your property on Columbia Street, I ascertained the property was taken for non-payment of taxes, but I believe it could be redeemed by the payment of the back taxes plus accumulated penalties. This would probably have to be accomplished before you could sell the property.

Respectfully,

COHOES SAVINGS

Walter H. Wertime
President

W.H.W.:jl

of

the

new

building

which

has

been

estimated

at

\$3.5 million.

The grant brings to \$20,000 the Sisters have received to help them build a new residence for the girls in Troy. We yesterday received a \$10,000 grant from the Cohoes Savings Bank for the sisters' building fund.

The grant brings to \$20,000 the Sisters have received to help them build a new residence for the girls in Troy. We yesterday received a \$10,000 grant from the Cohoes Savings Bank for the sisters' building fund.

The Sisters have been actively soliciting gifts from area businesses and banks in hopes of raising enough money to begin construction of the new home, the cost of which has been estimated at

COLONIE—Five men have been named to one-year terms as directors of the Greater Colonie Chamber of Commerce. President Joseph C. M. Autio announced Wednesday.

They are Albany County Legislator Henry E. Dennis Jr., a real estate agent; Peter S. Ellis, president of Paddock Pool Builders and Paddock Granite Pool; Brian H. Gross, a consultant for Marine Midland; Marshall S. Hammock, a vice president of Honie Savings Bank, and Louis J. Simon, owner of Lo Simon Wine and Liquors.

5/10/70
AS
EXHIBIT
OF
THE
MICH.
5/10/70
Exhibit C - 73-C

1 People's Asst. Atty. General O'Brien's assertions of Pa-
2 10 through 13 of Transcript and declaration of final page
3 of Notice of Dismissal Motions re order of Supreme Court
4 discharging Committee of person and property of Norman Ca-
5 bell on July 16, 1971; letter of Mr. Verteime dated Sept.
6 1970. Appellant
7 out hypocrisy relating to gravity of the issue pointed
8 out by confiscated in tax delinquent Committee; as appellant under
9 stands the process re delinquent property; county sells to
10 state. In any case, clerk of court notified Atty. Gen. Of-
11 fice of petition for discharge of Committee; said letter in
12 files pertaining to appellant's court record; one presumes
13 also in Atty. Gen., but certainly within scope of duty; taxes
14 were being paid regularly; plenty of money in bank; a poli-
15 tical curiosity stemming from original violation of Amend-
16 ment VI; right to speedy and public trial by jury of the
17 State, for facts to be aired. Considering late investiga-
18 tion of Albany County politics revelations, one sympathizes
19 with Mr. Lefkowitz' difficulty. One feels Committee jumped
20 to conclusions, but is beginning to see the light. One pon-
21 ders Mr. Lefkowitz and hypocrisy. However, payment of dam-
22 age People of the State has been deleted as robbing taxpayer
23 Peter to pay taxpayer Paul. One feels Mr. Lefkowitz' diffi-
24 culty is political ties

21

No. 203850

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Att'y General of State of N.Y. STREET AND NO. 2 World Trade Center		POSTMARK OR DATE
P.O., STATE AND ZIP CODE New York 10047		ALBANY, NY MAR 22 1974 U.S. POSTAL SERVICE CITY OF ALBANY CAPITAL OF NEW YORK
OPTIONAL SERVICES FOR ADDITIONAL FEES RETURN RECEIPT SERVICES DELIVER TO ADDRESSEE ONLY SPECIAL DELIVERY (extra fee required)		
1. Shows to whom and date delivered		5¢ With delivery to addressee only
2. Shows to whom, date and where delivered		35¢ With delivery to addressee only
		85¢
		50¢

PS Form 3800 NO INSURANCE COVERAGE PROVIDED (See other side)
Apr. 1971 NOT FOR INTERNATIONAL MAIL * GPO: 1972 O - 480-743

REFER TO DOCKET No. 74-1154

29 Second St.
Albany, N. Y.
March 22, 1974

A. Daniel Fusaro, Clerk
U. S. Court of Appeals
U. S. Courthouse
Foley Square
New York, 10007
Per John P. Flannery, pro se law clerk

Dear Sir:

Yours of March 19, 1974 at hand, received this A. M., and instruction followed as per receipt above.

Also included Supplementary Evidence mailed to your office yesterday evening, and anticipate mailing same to remaining appellees of 74-1154, being 73-CV-433, #34,435; 434 having been taken care of as above; mailing tomorrow morning.

Sincerely,

Norman M. Campbell
Norman M. Campbell

1 Norman W. Campbell
2 573 Columbia St.
3 Cohoes, N. Y. 12047
4 No phone
Plaintiff
In Propria Persona

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK STATE

11 Norman W. Campbell, a citizen of }
12 the United States. Plaintiff
13 People of the State of New York; }
14 Louis J. Lefkowitz, Attorney
General Defendants
15

No. 73 CV 434

COMPLAINT

• US AGES

17 ON or about October 25, 1964, Police Court Judge Landry was called
18 from his bed at midnight by Warren Smith, a corrupt and powerful citi-
19 and county politician, city of Cohoes, County of Albany; and also the
20 Troy Record Newspapers reporter ; official newspaper of the city;
21 made so by said Smith when he took the city and county advertising
22 from Ambrose Scully and his Cohoes American and it was forced out of
23 business under curious circumstance. At midnight the Judge addressed
24 plaintiff, the prisoner: "You are accused of Malicious Mischief.
25 Bail is One Thousand Dollars." And was answered "I can manage that.
26 The Judge, and attorney sworn to uphold the United States Constitut-
27 replied: "Do you have it with you? In cash?"

Plaintiff was not confined in the jail downstairs in City Hall where friends and help would be available, but was driven to the Albany County Jail and a untrue account of necrocy published in the official newspaper to the loss of plaintiff's reputation.

2

The accuser was Charles Duplin, a minor politician of the city of Cohoes; next door neighbor and henchman of said Smith; having operated a bar and night club selling alcoholic beverages during Prohibition; known as The Barn on Columbia Street of that city; afterward a cigar store on Remsen Street with several gambling machines in the back room; following which he became a police officer in Cohoes City Hall. No date of trial was st, nor was plaintiff queried concerning. Plaintiff leaves to the Court the inference.

9 Being allowed a single telephone call, plaintiff contacted a niece
10 Mrs. Joseph Dawkins, who came with her sister in law, who said John
11 Brady would come, an acquaintance of plaintiff's youth, now an attorney
12 at the time./
13 attorney and Judge of Civil Court in Cohoes. Mr. Brady did not come, and
14 two gentlemen with apparently, reports, which they consulted, asked if
15 plaintiff knew Warren Smith, and were answered, "Yes. " And it appar-
16 ently; more truly obviously decided the gentlemen that plaintiff was
17 mentally incompetent; and after some weeks of imprisonment in the jai-
18 plaintiff was removed to Hudson River State Hospital; Louis J. Lefko-
19 witz, as Attorney General of the People of the State of New York bein
20 the Executive Officer of the Supreme Court and Attorney for the Hos-
21 pital became thereby the mental competence of plaintiff, and as legal
22 competence, legally liable for his effects and possessions. The ef-
23 fects of a United States citizen are not simply his earthly possess-
24 cions, but his rights to life, liberty and the pursuit of happiness
as written in the United States Constitution.

25 After a year, plaintiff escaped from the mental institution and
26 made his home and earned his living by working at various jobs in the community, and about
27 almost ten years has returned to his property which is almost ruin, not even a
28 No Trespass sign to ward off intruders having been posted. Although
29 a thousand dollars in bank, County of Albany has been allowed to con-
30 fiscate three acres of valuable land in an expanding community; the
31 tools of plaintiff's trade and the deeds to his properties and tax
32 and other records have been appropriated and a false report filed by

the conservator appointed by the court, and his attorney under the au-
pices of Attorney General Lefkowitz. Plaintiff complains that he has
been deprived of his effects, both real and personal, the intangible
at the beginning and the concrete at the end; and petitions the Cour-
that it shall direct the Attorney General of the State of New York to
restore plaintiff his property; that the People of the State of New
York shall pay the costs of this action; and that the People of the
State of New York shall pay into the United States Treasury, the e-
quivalent of the cost of a year's operation of the Office of Attor-
ney General of the State of New York as Damage.

Norman) J. Campbell

24

AN-435

24

14-1961-1000000-1000000-1000000
Filing and service of law papers or copies thereof on the party.

Attached to said order is a general release running from Norman Campbell to George Sherwood Campbell dated May 11, 1961, sworn to before a notary public. Attached to the copy of such order is a certificate of Donald L. Lynch, Clerk of the County of Albany, certifying that the within order and said release were filed in his office on June 5, 1961.

The Attorney General's files further reflect that at a Special Term of Supreme Court in and for the County of Albany on July 9, 1965, an order was made by the Honorable T. Paul Kane appointing Egbert L. Campbell, 18 Utica Avenue, Latham, New York, as committee of the person and estate of Norman Campbell. Said files further reflect that on July 16, 1971, an order was made in the Supreme Court, Albany County (Kane, J.), declaring Norman Campbell competent to manage himself and his affairs and discharging Egbert L. Campbell as committee of the person and property of Norman Campbell. Such files further reflect that on May 31, 1972, an order was made in Supreme Court, Albany County (Pitt, J.), settling the account of the said Egbert L. Campbell as committee of the person and estate and discharging the said Egbert L. Campbell from all further liability and responsibility as such committee.

IT IS THEREFORE respectfully urged that the within
complaint against the defendants People of the State of New York
and Louis J. Lefkowitz, Attorney General be dismissed.

S. O'Brien

Timothy F. O'Brien

Sworn to the 12 day

of October, 1973.

S. O'Brien
Hallway Justice

Notice of Dismissal #134-1135
Motion
Findings

25

1 73-CV-435 maintains that to admit the transfer of title
2 to Niagara Mohawk Power Corporation is an admission--that is
3 --to admit the validity of transfer of title by County court
4 proceeding while private citizen owner has been beaten and
5 placed under forced restraint on telephoned hearsay of one
6 without hearing for verification, nor trial in public,
7 but certification of incompetency by gentlemen in pay of ben-
8 ificence of politics who never before in their life saw him,
9 nor care to see again except for their profit is an anachron-
10 ism of presumption of guilt until proof of innocence and
11 debtor's prison very useful to the powerful of politics for
12 which reason Amendments IV and VI of the United States Constitu-
13 tion were proposed and passed into law to prevent.

14 Whereby such transfer of title is an admission that the
15 Laws of Mental Hygiene of the State of New York hold force
16 and effect ~~over~~ⁱⁿ those of the United States Constitution.

17 Nevertheless, said certification, under State law renderes
18 following Court order ^{or diagnosis} ~~at least in practicality~~ a legal seizure of person, house, pap-
19 pers, and property of said citizen, as being a ward of the
20 State and the responsibility of the Office of Attorney Gener-
21 al, as legal and mental competence; said Office, in the per-
22 son of Mr. Lefkowitz, followed the same uninvestigative pro-
23 ceedure. Said Office holds Attorneyship for State Hospital,
24 property of said People. Appellant refused to sell. ^{Pricer not-} ~~ified of con-~~
25 George Sherwood Campbell, elder brother by ten years had

26

1 intended to stay Committment, but consulting Mr. Wertime, Al-
2 bany County Republican Party Chairman; was required to pay
3 a hundred and fifty dollars cash in hand as retainer fee;--
4 in a former Committeement to Albany Medical Center Mental
5 Hospital by Judge Brandt of Conoes Police Court under the s
6 same circumstance of hearsay by Dr. William E. McDonald and
7 despatching of police and entry without warrant and overpow-
8 ering when required to present warrant--appellant didn't even
9 know what it was all about--and handcuffing and run to said
10 pajama prison--it constitutes false arrest and imprisonment
11 and forced restraint sanctified by the ties of prosperity;
12 the hospital collected a hundred and sixty some dollars and
13 the collection agent was the junior partner of the law firm
14 whose senior partner had been Dean of the New York Supreme
15 Court Bench for years, and he listened to the recitation of
16 facts; one brother had tried two lawyers and neither would
17 take the case because against the Mental Hygiene and the A-
18 merican Medical Association's influence that passed them,
19 they believed it useless; that was El L Campbell, but the
20 gossip had permeated the whole town and brother Geo. Sher-
21 wood tried Mr. Wertime--Brandt was Warren Smith's man-- and
22 he sent his junior partner, Mr. Tabner at the time, down to
23 Albany with brother Geo. Sherwood when the Committment came
24 up on the calendar, and he said I Object, and they gave me
25 my clothes at the hospital, and when I went to pay the bill

27

1 at Mr. Wertime's office that evening he said "I am convinced
2 Doctor McDonald engineered a scheme on you", but when I
3 spoke of suit for damage, he said "There is no law of liability
4 to create a legal responsibility". Pay Mr. Tabner, my
5 junior partner down the hall, twenty dollars on your way out.
6 The hospital sent it's bill, and remonstrance to the cashier
7 and Mr. Wertime's opinion, she said "The hospital is just an
8 innocent party.", and more bills and six or eight months
9 later a notice from it's collection agent; pay up or court
10 action; and recitation to him as above: But he said "I have
11 my client's interest to protect." and collected every cent.
12 ---That was some years before 1958 and a horse of a differ-
13 ent color, the white of charity; and I presume bro. Sherwood
14 had an account in Mr. Wertime's bank; and shortly after my
15 commitment to Poughkeepsie, his wife died and her will left
16 him twenty thousand dollars he didn't even know she had; and
17 learning of the Condemnation and power corp. offer, took Com-
18 mitteeship and paid back taxes.

19 Six months on the observation ward because the psychia-
20 trist is trying to find out why you don't react so the pic-
21 ture of the records paint is hard on the psyche, especially
22 when without assurance the confinement is not indefinite--
23 the practice now discontinued--but please the Court to obser-
24 ve that one is not taken to a mental hospital under forced
25 restraint; one is admitted, and therefor sick. The Doctor so

1 Norman L. Campbell
2 573 Columbia St.
3 Cohoes, N. Y. 12047 mail address
4 which is Highway 9N Town of Col-
5 onie.
6 No telephone
7 Plaintiff
8 In Propria Persona

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NINETEENTH District of New York, Albany

12 Norman L. Campbell, a citi-
13 son of the United States. }
14 Plaintiff
15 people of the State of New }
16 York. Louis J. Lefkowitz, }
17 Attorney General. }
18 Niagara Mohawk Power Cor- }
19 poration. John G. Haehl, }
20 Jr. President. }
21 Defendants)

No. 73-CV-435

Complaint

Damages

Restitution

22 On or about July 1, 1958, two Town of Colonie Policemen entered
23 on the property of plaintiff, who was engaged in the peaceful pursui
24 of his business as market gengener, and with no warrant, provocation
25 or reasonable cause, knocked him down and beat him and handcuffed an
26 threw into their car and ran him to Albany County Jail, where he was
27 confined behind bars as a criminal person and the Justice of the Pea
28 on whose order the policeman had acted because by a telephone call
29 from the proprietor of the trailer park across the way from plain-
30 tiff's establishment immediately and with no hearing nor investiga-
31 tion, submitted a request to court of jurisdiction at Albany for com-
32 mitment to State mental hospital at Poughkeepsie, N. Y. under the
New York laws of Insanity.

vation ward for six months, during which Niagara Mohawk Power Cor-
poration, having been refused the sale by plaintiff for part of it
- apparently for the reason he had no desire to sell and the power con-

30
1 Plaintiff could have used another purchasable way, took the opportunity to
2 place condemnation proceeding before the Court of the State of New
3 York, claiming the transmission of electric power as the right of em-
4 pheminent domain over the production of food. Plaintiff having been de-
5 clared mentally incompetent by the Court of the State of New York up-
6 on the hearsay of Justice of the Peace of Town of Colonie, Louis J.
7 Liflowitz, under the New York State Laws of Mental Hygiene became the
8 legal and mental competence of plaintiff, in legal possession, accord-
9 ing to the Laws of Mental Hygiene of the State of New York, of a ward
10 of the court; and evidently without knowledge or understanding of the
11 issues involved, gave countenance and possession to said Niagara Mo-
12 hawk Power Corporation, of the main depth of the angular property; two
13 rights of way upon which ugly erection of poles and equipment with no
14 thought to the destruction of value of surrounding property has been
15 given; said company being obviously concerned only with profit to the
16 officials and stockholders.

17 Plaintiff also complains that when he first purchased the land and
18 erected the building more than thirty years ago, the Company, being
19 requested for the use of electric power, sent an engineer, one Wil-
20 liam Healy, if memory serves correctly; who, the power line not yet
21 having been extended to plaintiff's property requested payment of fif-
22 ty dollars each for two poles necessary to extend it; being refused
23 for the obvious reason that lots being sold along the road, plaintiff
24 was being mulcted for the company's future profit. Plaintiff, after
25 some weeks of waiting expectantly, called said engineer and demands
26 the electric power; who came and said he must have an easement to put
27 poles upon the land before he could bring the power, and when it
28 pointed out the poles would be erected upon the county highway right
29 of way, he said it wasn't up to him. It was required by law, whereby
30 Niagara Mohawk Power Corporation, by the use of falsehood and duress
31 gained an easement, which, when the trailer park was opened, across
32 the road, was used for the purpose of storing by means of heavy w/

1 cables which prevent the use and profit of 250 or more square feet o
2 plaintiff's land, the pole from which the wires carried across the
3 road to the opposite pole in the trailer park takes the strain of the
4 weight; being neither able to turn the land nearby the anchored wires
5 with the plow, nor erect building. When the Right of Way representat
6 ve, an attorney admitted to the New York State Bar, sought the sale of
7 land for the power line years later, he boasted that the Company did
8 not have to pay a cent if they didn't want to. They could put poles
9 anywhere on the land they wanted to. Plaintiff points out the methods
10 of a system reminiscent of East India Companies, letters of marque,
11 transportation, even smacking in the Mental Hygiene, of lettres de
12 cachet, the which in part contributing to loss of faith in the legal
13 system, was a factor in the overthrow of the French government. Pla
14 intiff points out that to admit the validity of the transfer of title
15 to plaintiff's land and it's ruinous division of his frontage on Col-
16 umbia Street Extension is a practical declaration that the Laws of
17 Mental Hygiene of the State of New York hold force and effect over
18 the guarantees to the simple citizen, which the founding fathers of
19 this nation wrote into the United States Constitution and it's Amend-
20 ments, to protect his freedom. Plaintiff complains that the Attorney
21 General did not have knowledge nor understanding of the issues invol-
22 ved, and later acquiescence to contract by plaintiff was obtained un-
23 der duress of poverty due to the facts related of being forced from
24 his land and his living and restrained, without cause, of it's pur-
25 suit. Plaintiff points out that the rape of his livelihood contrib-
26 buted to the prosperity of those in the employment of those facets of
27 the mental hygiene rising through common labor to the so called high
28 er education required for the oath of Hippocrates and the oath of of-
29 fice to support the United States Constitution. Plaintiff questions
30 such education. Plaintiff petitions the Court ~~for~~ ^{in direct} the restitution of
31 his Columbia Street property, and feels at the conclusion of this
32 case the Attorney General will feel duty bound to give a year's sala-

1 diagnosed and the taxpayer can well afford it; one presumes
2 a dollar is a dollar, the object of endeavor; sufficient un-
3 to the day are the headaches thereof, including the court's.
4 Appellant was brought to his brother's empty home in midwin-
5 ter; he leaving at six A.M. and returning 3:30 PM from an
6 plant in Schenectady to complete three more months service
7 till pension; already in failing health; appellant being char-
8 fied for board and room; already fifteen hundred dollars in
9 debt to Committee and penniless of money; without knowledge
10 of law and believing condemnation legal, contacted Right of
11 Way Representative; now top dog because power corporation al-
12 ready in possession and possession of title; original offer
13 had been thirty five hundred dollars and deal was made for
14 twenty eight hundred and Committee gave consent after urging;
15 appellant was released from hospital as Convalescent; said
16 R/Way Representative, an attorney, came in the evening, and
17 contract was signed and tender to bind it given, but at the
18 finish, having risen from his chair, Committee lost emotion-
19 al control breaking into sob and irrelevant complaint; R/Way
20 Rep. William Hobbs, rather Hubbs, of Latham, N. Y., realiz-
21 ing Committee in questionable health put contract in brief
22 case and departed hurriedly, but, although the signed con-
23 tract was retained, the money was never paid; which is the
24 reason; Joseph F. Cleary, Asst. Secy and attorney for def.
25 Niagara-Mohawk Power; 73-CV-435, Answer, pg. 2, par. 2,

3. The defendant denies, upon information and belief, the allegations set forth in lines 5 to 16 on page 2, and, for an affirmative defense, states the following facts upon information and belief:

On November 7, 1958 Mr. George Sherwood Campbell was duly appointed committee of the person and estate of Norman Campbell, plaintiff herein, and on April 7, 1959 plaintiff and his committee agreed to sell to the defendant, for the sum of \$2,800, certain lands in the Town of Colonie, County of Albany, which were then the subject of the condemnation proceedings mentioned above. This agreement was never performed.

By order of Hon. Louis G. Bruhn, Justice of the Supreme Court, County of Rensselaer, dated March 17, 1961, plaintiff's committee was discharged and plaintiff was restored to the full possession and enjoyment of his estate. Thereafter, on October 8, 1962, plaintiff, by his attorney, Elmer M. Rasmussen, Esq., of Troy, New York repudiated this agreement and offered to execute a conveyance of the property in question for the sum of \$4,800. After negotiations between defendant and plaintiff's attorney, a settlement was effected, and upon payment of \$3,500 to plaintiff, plaintiff's attorney delivered to defendant a Warranty Deed dated May 3, 1963, signed Norman Campbell, with acknowledgement in proper form, signed Elmer M. Rasmussen, Notary Public. The deed was recorded in the Albany County Clerk's Office on May 24, 1963, at Book 1757 of Deeds, page 130.

Since plaintiff was competent and represented by counsel throughout these negotiations, these allegations do not state a claim against defendant upon which relief can be granted, and if such a claim were stated,

Attest,
A. S. Miller, Notary Public
Commissioner of Deeds

1 lines 6,7,8,9, the reason "the agreement was never performed."
2 His statement of information and belief somewhat misleading.
3 Committee was afflicted with painful ear infection and advan-
4 cing prostate malady which caused his death five years later.
5 1961 appellant was working and decided to be rid of the
6 Committee; still owing sixteen hundred dollars; appellant is
7 grateful for service rendered, but certain reservations.

8 In 1962, believing the condemnation legal, and never hav-
9 ing been paid the twentyeight hundred dollars promised, ap-
10 pellant was advised to take the matter to court and Elmer M.
11 Rasmussen of Troy, N. Y. was recommended. Who did not take
12 the matter to court, nor did he advise client of right of
13 just compensation and Inverse Condemnation. He, being employ-
14 ed at the time in condemnation claims by City of Troy or
15 County of Renssalaer. Mr. Rasmussen consulted over the
16 phone with State Senator Julian B. Erway, Niagara-Mohawk Pow-
17 er Corporation attorney and arranged a luncheon meeting, ev-
18 idently well acquainted, and appellant was advised to accept
19 soon after, Senator Erway's principal, rather client's offer
20 of thirty five hundred dollars, and Mr. Rasmussen notarized
21 and delived signed contract, and charged fifty dollars. One
22 begins to realize why prohibition of conflicting interest.

23 Appellant remembers hearing in California Niagara Mohawk
24 planned subsidiary in realty and rentals. Is willing to make
25 equitable return and lease, reasonable/time/figure. Not to sell.

J. Johnson J. Campbell

8

Mar 19 45.

34

THE GOVERNMENT OF THE STATE OF KARNAK NO. A3-GA-13, 1964-65 SPP

That "the Justice of the Peace on whose order the policeman had acted ... submitted a request to court of jurisdiction at Albany for commitment to State Mental Hospital at Poughkeepsie, N. Y. under the New York State Laws of Mental Hygiene, where he was confined on the observation ward for examination.

The remainder of the complaint in civil action No. 73-CV-435 relates to the alleged illegal taking of plaintiff's real property by Niagara Mohawk Power Corporation, named along with a "John G. Hachl, Jr., President" as additional defendants in said cause of action, such illegal taking having been countenanced by Louis J. Lefkowitz. Plaintiff asks that this Court "direct restitution of his Columbia Street property" and states that "at the conclusion of this case the Attorney General will feel duty bound to give a year's salary into the United States Treasury as damages."

The files of the Attorney General of the State of New York relating to individuals confined to Hudson River State Hospital show that on November 7, 1958, an order was made at a Special Term of Supreme Court in and for the County of Ulster, State of New York (Taylor, J.), appointing George Sherwood Campbell, 98 Columbia Street, Cohoes, New York, committee of the person and estate of Norman Campbell, who is described in such order as an incompetent person. Said files further show that on March 17, 1961, at a Special Term of Supreme Court, Schoharie County (Bruhn, J.), said George Sherwood Campbell as committee of the person and property of Norman Campbell. Said order further cited that Norman Campbell has become competent to manage himself and his affairs and provided that the said George Sherwood Campbell, as committee, etc., file in the office of the County Clerk of the County of Albany a duly verified account of his proceedings as such committee and cause the same to be judicially settled or in the alternative, file with this order a general release from the said Norman Campbell.

Notice of Dismissal -3-
Motion - O'Brien for Lefkowitz

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SUMMATION

1 In re absence of hearing regarding 73-CV-433; Summons
2 was delivered October 1, 1973, 20 days to Answer; Answer was
3 not given by Secy. Weinberger, and Answer of Corporation
4 Counsel dated October 31, but not delivered; Oct. 31 being
5 Wednesday, but Cohoes Postoffice, 12047 did not deliver un-
6 til Friday afternoon or Saturday morning; Court convening on
7 Monday, Nov. 5, Dismissal requested seems to have been auto-
8 matically granted.

9 Appellant presents to the Court, the information that
10 years ago certain thought provoking experiences in direct an-
11 tipathy of his moral education stemming from the prevailing
12 and accepted model of, especially the political, Cohoes edu-
13 cation, and he took opportunity to publicly insult the public
14 gods or symbols. Warren Smith had made his son Jr., Treas-
15 urer of the Board of Education, and Lawyer Burke, son of Dr.
16 Burke, a dentist and passenger of the gravy train for years,
17 Commissioner of Education; and the aftermath still rages,
18 both above and underground. Appellant told them they were ig-
19 norant.

20 Personally, appellant feels appellees have deluded them-
21 selves and a Justice of the United States Court.

22 *J. Campbell*
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-MURRAY H. CAMPBELL

Plaintiff,

-against-

-WINGATE, MONARCH POWER CORPORATION and
-PEOPLE OF THE STATE OF NEW YORK, ETC.

Defendants.

73-07-432
73-07-432

8 The following proceedings took place in the
9 United States District Court, Federal Building,
10 Albany, New York on the 5th day of November 1973,
11 before HONORABLE JAMES T. FOLEY, United States
12 District Judge.

A P P E A R A N C E S:

NORMAN M. CAMPBELL, Pro Se
29 Second Street
Albany, New York

HONORABLE LOUIS J. LEFKOWITZ,
Attorney General, State of New York
TIMOTHY O'BRIEN, ESQ.
Assistant Attorney General
of Counsel
Attorney for State of New York

FREDRICK E. HORTON, ESQ.
Attorney for Niagara Mohawk Power Corp.

1 THE COURT: All right, Mr. Campbell,
2 are you your own lawyer?

3 MR. CAMPBELL: Yes, I am, Your Honor.

4 THE COURT: And where do you live?

5 MR. CAMPBELL: I live on *Columbia*
6 Street Extension, that is just outside of Cohoes
7 in the town of Colonie, and the address is 573
8 Columbia Street, Cohoes, 12047.

9 THE COURT: Did you draw your own
10 complaint here?

11 MR. CAMPBELL: Yes, I did.

12 THE COURT: And do you have any legal
13 training?

14 MR. CAMPBELL: I studied law for a
15 while, in California, I studied Real Estate Law
16 in Santa Monica City College. I am not proficient
17 at law but I think I can take care of myself. I
18 know I will cause a little trouble from inexperience
19 and ignorance of forms and so forth but I know what
20 I am talking about. I have had plenty to talk
21 about.

22 THE COURT: Allright. Do you have a
23 motion to file an amended complaint?

24 MR. CAMPBELL: Yes, I filed a motion
25 for permission to file an amended complaint.

1 THE COURT: In which action?

2 MR. CAMPBELL: In both 434 and 435.

3 435 is the People of the State of New York against
4 LaFountain and Niagara Mohawk Corporation and 434
5 is the People and Mr. Leftowitz and I didn't have
6 time to do much with it, but I put down what
7 applies.

8 I am living under adverse conditions
9 now, Your Honor, I have an old oil stove and no
10 coal stove ^{or} and a wood stove, but I have wood to
11 burn; I called the oil dealer and he said he
12 couldn't take -- that is, for Kerosene, he couldn't
13 take on any new customers, and I live a half mile
14 from bus line, one bus line, and a mile from the
15 other; and it means walking. I bought a bicycle
16 up ^{at} the Salvation Army a couple of days before;
17 and the man said he couldn't deliver oil for me
18 but if I wanted to come and get three or four
19 gallons of oil he could supply me; and it is gett-
20 ing down under 40 at night; and a wood fire. I put
21 some sheet asbestos on; took the burners off the
22 oil stove; you know what they are, ^{height of stove and burners} kerosene is so
23 high, and there are two burners on it and of course
24 the oil is ^{fire} ^{charge to wood} When you don't have oil I put
25 some sheets of asbestos, took the burners out and

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1 made it level, and I will put a pan in and burn
2 wood in it, but you can't keep burning wood. 4/17/74

3 THE COURT: But you filed two complaints
4 here?

5 MR. CAMPBELL: That is right.

6 THE COURT: What is the basis of the
7 jurisdiction of this Court?

8 MR. CAMPBELL: Basis of jurisdiction?

9 I was knocked down and beaten in the peaceful pur-
10 suit of my business, I ^{was} run down to the Albany
11 County Jail. Amendment Four is a mandate that the
12 United States Citizen shall be secure in his per-
13 son, papers and property from illegal search and
14 seizure. They beat me.

10
29
4

15 THE COURT: Who beat you?

16 MR. CAMPBELL: Two Colonie Policemen.

17 THE COURT: You don't have them named
18 here.

19 MR. CAMPBELL: No, I don't.

20 THE COURT: You have to sue them, don't
21 you?

22 MR. CAMPBELL: No.

23 THE COURT: Why are you suing the
24 Attorney General?

25 MR. CAMPBELL: Because he was made the

1 legal and mental committee of my possessions when
2 the Court sent me to Poughkeepsie under the laws
3 of the Mental Hygiene of the State of New York.

4 THE COURT: He ought to be representing
5 you, you don't have to sue him.

6 MR. CAMPBELL: Not at all, I am a
7 United States citizen entitled to those securities
8 by the Constitution.

9 THE COURT: No question about that.

10 MR. CAMPBELL: If the Court gives Mr.
11 Lefkowitz possession of my legal and mental compe-
12 tence, my property, the rights to liberty, pursuit
13 of happiness; any property; my papers, everything
14 ^{inward of the State} I own and he gives the property of New York, that
15 is through the Court, of course, but he was in
16 ^{legal} possession of it and he gave it to the Niagara
17 Mohawk Power Corporation.

18 THE COURT: What are you suing --

19 MR. CAMPBELL: I was under duress, under
20 forced measures for no reason at all, all my
21 Constitutional rights taken away, not only my
22 Constitutional rights but my property rights also
23 and he has been in possession of
24 that property, he ~~was~~ ^{had} my legal competency, and he
25 gave it. I have been robbed of my Constitutional

1 rights. I have -- Niagara Mohawk says they
2 haven't even known about it, but they put the
3 Honorable Justice Martin Schenck of the Albany
4 County Court, the condemnation proceedings; the
5 Judge is sworn to uphold the United States Con-
6 stitution, that is a negligence; he hasn't honored
7 the United States Constitution when he will take that
8 condemnation judgment with me under force ^{of} re-
9 straint with no trial by Jury, no nothing, beaten,
10 smashed, run up to the jail; six months of my life
11 in Poughkeepsie, about two in the jail, taken away
12 from me, and as I explained; I hope you see it my
13 way, that Mr. Lefkowitz was in possession of my
14 property and he gave it to Niagara Mohawk Power
15 Corporation. The Justice, Mr. Schenck, had sworn
16 to uphold the Constitution ^{as} he is in contempt of
17 his own Court, from my way of looking at it, ^{by} ~~as~~
18 taking it under consideration when I have been robb-
19 ed of my Constitutional rights.

20 THE COURT: I think you ought to see
21 a lawyer about your problem, because your papers
22 are not -- you haven't named the right parties.

23 MR. CAMPBELL: Do you know what I
24 think, Your Honor?

25 THE COURT: Do you have any means or

1 money?

2 MR. CAMPBELL: I certainly do.

3 THE COURT: You should hire counsel.

4 MR. CAMPBELL: I am afraid that the

5 lawyer -- I hired one in California and she took
6 \$500 through the bars and gave me a receipt for
7 trial, but she never brought it to trial.

8 THE COURT: Well, I don't know about
9 that, but I mean about this situation here. Do you
10 work here now, Mr. Campbell?

11 MR. CAMPBELL: No, I am trying to fix
12 the place up again so I can open it for business
13 again next summer.

14 THE COURT: What kind of business?

15 MR. CAMPBELL: Market gardening.

16 THE COURT: And this problem you had,
17 you say the Colonie Police came in?

18 MR. CAMPBELL: Yes.

19 THE COURT: And that they took you
20 before Judge Schenck?

21 MR. CAMPBELL: They beat me up and
22 threw me in the car; they took me over to the
23 Albany County Jail and dumped me there.

24 THE COURT: What did Niagara Mohawk
25 do to you?

MR. CHAMBERS: The Justice of the Peace
of the Town of Colonie put in a request to the New
York Supreme Court, I think it was, to have me commit-
ed, and I was sent to Poughkeepsie.

The Journal: *enjoying reading, writing, thinking --*

7 in the first place; I am supposed to be secure in
8 my person and property; it is the guarantee of the
9 United States Constitution from unreasonable search
10 and seizure. Now they come in without warning;
11 without warrant; they are supposed to have a warrant
12 and an affidavit placed there, in order for them to
13 go and seize.

14 THE COURT: But who came in?

15 MR. CAMPBELL: Two Colonie Policemen.

16 THE COURT: What about Niagara Mohawk?

17 MR. CAMPBELL: Niagara Mohawk put a

18 condemnation proceeding in Judge Martin Schenck's

19 Court, to have the best part of my property; which

20 according to the building clause of the Town of

21 Colonie -- The building laws of the Town of

22 Colonie on the other side of it, They took all the
2-75' River Western-Side.
23 depth, the 150 feet, that etc., according to building

24 regulations of the Town of Colonie. It can't be

25 built because of the setback regulations; therefore

U.S. COURT REPORTERS
FEDERAL BUILDING
ALBANY, N.Y.

Cost from

New York

\$11.00

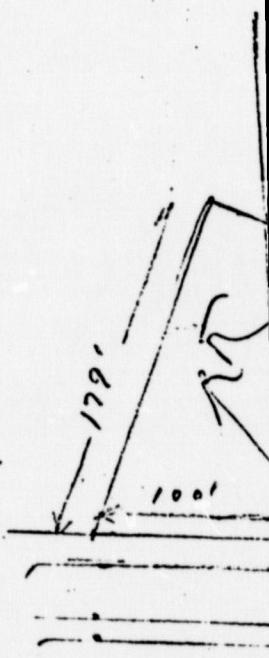
Ciudad Bolívar

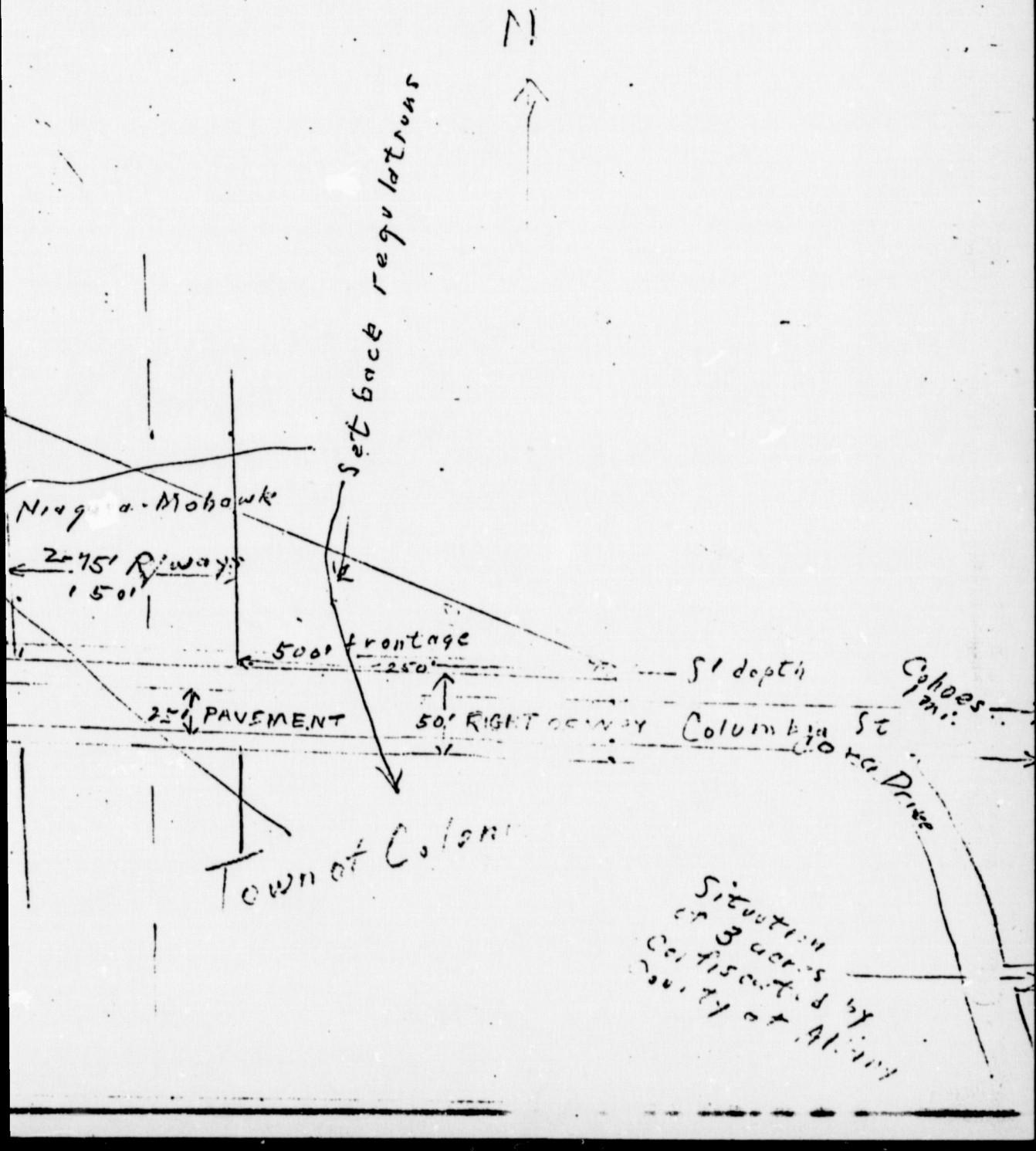
Midgar - ^{1000 ft} 1000 ft
Rivers thru Colombia
St. Paul 1000 ft

1000 ft
is except local

1000 ft

1/2 mile





1 it ruined the sale price. Now the same applies to
2 the other piece, and anything Mohawk has taken, all
3 the depth of this property; they took two 75 foot
4 right-of-ways; they were cutting through a power
5 line to Sootin; and the fact of the matter is they
6 put one power line through and took it squarely
7 back to the new Latham Shopping Center being built
8 there at Latham Circle, and they could have taken
9 that up the Watervliet, Troy, Schenectady -- well,
10 Your Honor, as it stands I have a motion to file
11 amended complaints here in the Court, and if you
12 don't feel that you have jurisdiction; as I ex-
13 plained, I am a United States citizen; I am cer-
14 tainly entitled, these men I explained, six months
15 of my life lost down there in the ^{Hudson} jail and they say
16 dismiss the complaint; forget it, Campbell, it's
17 a long time ago.

18 THE COURT: How long ago did it happen?

19 MR. CAMPBELL: First one was in 1953 in
20 the town of Colonie, and the second one was in the
21 city of Cohoes in 1964. The same thing, Warren
22 Smith -- have you ever heard of the O'Connell
23 organization upstate New York? It is the upstate
24 organization of the Kennedy gang, put his under-
25 ground operators in the trailer park and they were

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pg. 10

1 and copy the notation of Mr. Campbell and T. Morris
2 the complaint against Auguste Nohawc. Submit an
3 order in that form.

4
5
6

7 true and accurate transcript of the proceedings had
8 at the time and place noted in the heading hereof.

9
10 MARTIN L. MILLER
11 Official Reporter
12 Northern District of New York
13 United States District Court
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